

## **FRIENDS OF PONTOOSUC BULLETIN**

### **MEETING NOTICE LANESBOROUGH SPECIAL TOWN MEETING JULY 31, 2012 DOCK BY-LAW LANESBOROUGH SCHOOL, 7:00 PM**

This meeting will pass, amend and pass, or reject the by-law we have been working on for 3 years. It is important that everyone from Lanesborough with an interest in the lake be there to help make the decisions. The text of the proposed by-law is on the Friends of Pontoosuc website, and in the warrant that was posted for the meeting. Our website also has a sheet of background information on the need for a by-law. There was a hearing for the by-law last Tuesday, the 24<sup>th</sup>, and the discussion was lively; many different opinions were voiced, and there was no consensus on any of the issues. One concern was that there was not enough publicity alerting folks about the meetings. That is one of the reasons for this bulletin. Please pass it on to friends and neighbors who don't get our email.

#### **NEED FOR THE BY-LAW**

Without a by-law, all decisions on dock licensing will be made by the DEP person in Springfield assigned to chapter 91 regulations and the selectboard and harbormaster have no jurisdiction over docks. With a by-law the DEP will issue licenses only to applications which are in conformance with the by-law.

#### **CONCERNS EXPRESSED, AND RESPONSES**

Below are some of the questions asked and answered at the hearing on July 24.

- The Conservation Commission must approve dock license applications; doesn't this provide the local input we want? No, the by-law regulates dock size and placement, the conservation commission's jurisdiction is wetland issues only, and not size or placement.
- Will adopting a by-law force all of us to go through the expensive process to get a license? No. 90% of the docks on Pontoosuc are un-licensed. Enforcement is done only when someone complains to the DEP. There are no plans locally or by the DEP to step up enforcement. Enacting this by-law will not change the enforcement plans, and will not make enforcement any more or less likely or difficult.
- Why not just continue leaving decisions up to the DEP and not have a by-law? Have the decisions made to date been a problem? The licensing of docks is only one of many responsibilities of the bureaucrat assigned, and he/she has little time to research local issues. Mistakes can and will be made. In my opinion, one license recently granted unduly infringes on the abutters access. Wouldn't we rather decide locally what we want, and have an appeal process with our local selectboard as the proposed by-law provides?
- If all the problems are on rights-of-way, why not have the by-law apply just to them? It is true that most of the complaints raised with the selectboard and harbormaster are over

right-of-way problems. However, the by-law as proposed is structured to protect all homeowners from encroachment by a neighbor, and also protect their rights to install a dock to enhance enjoyment of the lake. The by-law will prevent future conflicts and ease the licensing process.

- Why does it cost so much to obtain a license? The regulations require legal ads for the DEP and the con com hearings, application fees, and registry filing fees. These total about \$600. If the simplified license process is not used, professional engineering design is required also. The DEP is streamlining its regs (primarily to reduce its own workload) and the revised regs will include a less expensive option. The revised regs are in review and will be released over the winter.
- Why restrict size to 200 square ft. when the state allows 600 square ft.? The 600 ft. limit is really intended for docks over tidelands and is not appropriate for a lake. We can increase to something greater if there is a need, perhaps 300 ft.
- It doesn't seem fair that only registered voters in the Town make the decision even though it affects many others. The alternative is leaving it to the DEP. Nonvoters will be allowed to speak at the meeting.

## **DECISIONS TO BE MADE**

We will structure the meeting with amendments to the by-law to reach decisions on the following questions in a logical sequence;

1. Do we want any by-law? There was a minority at the hearing that felt that there is no need for any by-law. This can be decided by voting down the by-law after some or all amendments have been considered, or a motion to table can be made early in the process which will end the meeting. This motion is not discussable, we just vote and go home if passed, otherwise continue.
2. Should the by-law deal only with docks on rights-of-way, or should it regulate all docks? An amendment will be presented to eliminate all provisions except those dealing with docks on rights-of-way.
3. What size docks should be allowed? A motion will be presented to change the 200 sq. ft. limit to something else, perhaps 300 sq. ft.
4. What limits should be imposed to docks on rights-of-way? The following sequence of motions will be made. If the first is passed, the others need not be considered, and so on.
  - No dock on any right-of-way
  - No Dock on a small right-of-way
  - No boat moored overnight at a dock on any right-of-way
  - Abutter permission required

Lee Hauge  
7/27/12